IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

Bail Appl..No. 7193 of 2007()

CRIME NO.378/07 OF PARIPALY POLICE STATION

: PETITIONER

BINUDAS, AGED 21, S/O MOHANDAS,
M.S.SADANAM, JAWAHAR JUNCTION,
PARIPALLY VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.V.VENUGOPALAN NAIR

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
PARIPALLY POLICE STATION,
KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7193 OF 2007

Dated this the 28th day of November, 2007

O R D E R

Application for anticipatory bail. The petitioner is the 1st accused. Altogether there are three accused persons. The crux of the allegations is that the petitioner, along with the co-accused, assaulted the driver of a KSRTC bus on the mistaken assumption that he was responsible for a traffic accident. No serious injury has been suffered by the petitioner. The learned counsel submits that the allegations are false. The allegations of physical assault are all invented to vex and harass the petitioner. There, obviously, was a dispute consequent to injury suffered by a passenger in the bus. Because of such dispute and quarrel, false allegations are now raised, submits the learned counsel.

2. The learned Public Prosecutor opposes the application. Notwithstanding the opposition, I am satisfied that the petitioner can be granted anticipatory bail subject to appropriate terms and conditions.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the

petitioner:-

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 5.12.2007. He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 6.12.2007 and 7.12.2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month and subsequently as and when directed by the investigating officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(iv) If he were arrested prior to 5.12.2007, he shall be

released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 5.12.2007.

(R.BASANT, JUDGE)

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